

Good morning Mr. Chairman (Madam Chair) and Members of the Committee.

My name is Chris Janelli and I am a resident of Salisbury, CT (House District 64)

I support this Tenth Amendment Resolution and believe passing it should be overwhelmingly non-partisan. Connecticut has a proud history of protecting its citizens through nullification. Some people may claim today's Public Hearing is nothing more than grandstanding by Tea Party discontents, but nothing could be further from the truth.

What drives this Tenth Amendment initiative is no different than what drove its addition to the Constitution in 1791; the fear that the federal government assumes state powers and exerts authority that exceeds the Constitution.

There are Constitutional lawyers and scholars today who argue the federal government exercises power not remotely enumerated in the Constitution. What you are hearing today is Connecticut citizens asking our General Assembly to exert our state's right to check federal power.

To be clear, as the Tenth Amendment is not specific about which powers are delegated to the government, or reserved to the states or the people. Thus, from the inception of our republic a political power vacuum was created that the federal government has been filling. Likewise, the Constitution provided no explicit provision for resolving Constitutional disputes. That judicial power vacuum was filled in 1803 when the Supreme Court ruling in Marbury vs. Madison asserted its authority to adjudicate constitutional disputes. Both assertions of political power and judicial authority have remained controversial.

The Resolution before you is the result of ongoing disagreement between Americans who believe in individual freedom and less federal government intrusion, and progressives who believe big government is the only solution for a world too complicated for the average American. From the very beginning of our constitutional republic this progressive elitism was predicted

In 1787, when asked what form of government America would have Benjamin Franklin prophetically replied, "A republic, if you can keep it" knowing the constitution would need to be defended against the tyranny of overreaching power,

In 1798, Franklin's fears were echoed in the Virginia and Kentucky resolutions, which warned, if the federal government has the exclusive right to judge the extent of its own powers, its powers will continue to grow. Since then, states—including Connecticut - have used nullification to check federal power.

For example, President Jefferson's embargo of 1807 prohibiting American ships sailing to foreign ports was ruled constitutional by a federal district court and enforced by the U.S. Navy. Never-the-less, Connecticut said the embargo was unconstitutional and therefore not legally binding on its citizens.

Governor Trumbull said the Connecticut legislature had the right and the duty "to interpose their protecting shield between the right and liberty of the people, and the assumed power of the General Government."

The Connecticut General Assembly said the embargo was unconstitutional, refused to enforce it, and passed a resolution confirming it was their duty "in such a crisis of affairs, vigilantly to watch over, and vigorously to maintain, the powers not delegated to the United States, but reserved to the States respectively, or to the people."

Again in the War of 1812 Connecticut stood up to the power of the government when Governor Griswold would not comply with the federal order to call out its militia to guard the coast until New England was threatened by an actual invasion.

History has shown that **only power can check power**, thus Alexander Hamilton encouraged the states to combine their common forces for the protection of common liberty. He said, "that the state governments will in all possible contingencies afford complete security against invasions of the public liberty by the national authority."

So if the Tenth Amendment is unclear in designating power, what purpose does it serve? Its enduring strength is that it reaffirms the philosophy of the American form of government first declared in the Declaration of Independence. Whenever the Tenth Amendment is evoked it should remind elected representatives that governments are instituted to secure the rights of the people; that government derives its power only from the consent of the governed, and that without that consent power is illegitimate.

More than ever, Americans distrust Washington and its ever increasing intrusion into their lives. While Connecticut would not go to war against the federal government, or attempt to secede from the Union over a nullification dispute, the message to Washington would be clear.

As a citizen of the State of Connecticut I am asking this General Assembly to pass this Resolution. I ask you to have the courage and conviction of Governors Trumbull and Griswold and like them, do your duty to interpose the State's protecting shield between the right and liberty of Connecticut's citizens, and the assumed power of the Federal Government.

Thank you